

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MORGAN ART FOUNDATION LIMITED,

PLAINTIFF,

-AGAINST-

MICHAEL MCKENZIE D/B/A AMERICAN IMAGE ART,

DEFENDANT.

Case No. 1:18-cv-04438-AT-BCM

**DECLARATION OF LUKE NIKAS**

I, Luke Nikas, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am a partner at the law firm of Quinn Emanuel Urquhart & Sullivan, LLP, attorneys for Plaintiff. I submit this declaration in support of Plaintiff Morgan Art Foundation's ("MAF") Motion for Terminating Sanctions Against Defendant Michael McKenzie. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, I could and would testify competently to them.

2. As a result of the Court's June 29, 2021 Order (ECF No. 395) and the July 21, 2021 Stipulation and Order (ECF No. 408), I visited McKenzie's property on August 5, 2021, for a court-ordered inspection of the Indiana works and business records in McKenzie's possession. The Court order and the joint stipulation permitted my team to enter into McKenzie's studio to photograph all relevant documents, including artwork. During that visit to McKenzie's studio, we located 5,913 pages of relevant documents that McKenzie had previously failed to produce and had falsely stated were not in his possession.

3. I had previously been on McKenzie's property in connection with the first inspection of McKenzie's studio. When we arrived on McKenzie's property for that first

inspection, both McKenzie's staff and his attorney directed us to the two-floor studio for our inspection and expressly informed us that the artworks in McKenzie's possession were located in the studio. We were never told that any other artworks were located on the property. At that inspection, my clients inspected the works on both floors of the studio. After we informed McKenzie's team that we had finished inspecting the works, my clients and I stayed on the property and discussed the inspection for about 10 minutes or more in the parking lot in front of the studio. At no point during the inspection or after we completed the inspection of the studio did McKenzie's staff or his attorney inform us that there were more works on the property.

4. I have attached the declaration of Fred R. Daniello Jr., dated January 27, 2022, including the invoices attached to that declaration, as Exhibit 1.

5. I have attached the declaration of Ken Hendel, dated January 27, 2022, as Exhibit 2.

6. I have attached the declaration of Eric I. Hornak-Spoutz, dated January 27, 2022, as Exhibit 3.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 27, 2022.

/s/ Luke Nikas

Luke Nikas